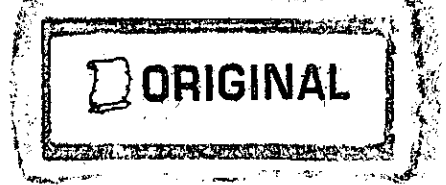


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOHNNIE L. BETWAY



COMPLAINT

<sup>-against-</sup>  
THE CITY OF NEW YORK NYPD POLICE  
OFFICER WILLIAMS, P.O. PATTERSON  
P.O. WESTBROOK, P.O. "JOHN DOE" FIRST  
AND LAST NAME ARE UNKNOWN,  
ALL WITHIN THE 79TH PRECINCT

Jury Trial: ☒ Yes ☐ No

12-279

ROSS, J.  
BLOOM, M.  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK  
2012 JAN 14 PM 9:10  
FILED  
CLERK

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name JOHNNIE L. BETWAY  
Street Address 556 GATES AVE  
County, City BROOKLYN NY 11221  
State & Zip Code NEW YORK 11221  
Telephone Number 347-488-3111

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Police Officer "JOHN" FIRST NAME UKN WILLIAMS  
 Street Address 79TH PRECINCT  
 County, City BROOKLYN  
 State & Zip Code NEW YORK CITY 11221  
 Telephone Number NOT KNOWN

Defendant No. 2

Name P.O. "JANE" FIRST NAME UKN PATTERSON  
 Street Address 79TH PRECINCT  
 County, City BROOKLYN  
 State & Zip Code NEW YORK 11221  
 Telephone Number NOT KNOWN

Defendant No. 3

Name P.O. "JOHN" FIRST NAME UKN WESTBROOK  
 Street Address 79TH PRECINCT  
 County, City BROOKLYN NY  
 State & Zip Code NEW YORK 11221  
 Telephone Number NOT KNOWN

Defendant No. 4

Name P.O. "JOHN DOE" FIRST AND LAST NAME UKN  
 Street Address 79TH PRECINCT  
 County, City BROOKLYN  
 State & Zip Code NEW YORK  
 Telephone Number NOT KNOWN

**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

FIRST AMMENDMENT VIOLATION, FOURTH AMMENDMENT VIOLATION, 14TH AMMENDMENT VIOLATION, 42 U.S.C. § 1983

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship

N/A

Defendant(s) state(s) of citizenship

N/AN/A

- ① THE EVENTS GIVING RISE TO MY CLAIM OCCURRED IN FRONT OF MY RESIDENCE OF 556 GATES AVE, BROOKLYN, NEW YORK 11221 AND ENDED AT 576 GATES AVE, BROOKLYN NEW YORK 11221.
- ② THIS INCIDENT HAPPENED ON OCTOBER 17<sup>TH</sup> 2010 AT APPROXIMATELY 1930 HRS.
- ③ ON THE ABOVE DATE AND APPROXIMATE TIME MY WIFE CAME INSIDE OUR RESIDENCE AND ASKED ME FOR MY PHONE TO CALL THE POLICE BECAUSE SHE STATED THAT A RESIDENT AT THE ADJOINING PROPERTY OF 558 GATES AVE HAD THREATENED TO STAB HER. THE NYPD ARRIVED ON THE SCENE SOON THEREAFTER. SHORTLY AFTER THE NYPD'S ARRIVAL I OVERHEARD MY WIFE BEING TAUNTED. I QUIETLY STEPPED OUTSIDE MY DOOR, AND OBSERVED SEVERAL POLICE OFFICERS TAUNTING MY WIFE, SO I ASKED WHO WAS IN CHARGE AND WAS GIVEN A NAME OF A SGT. A FEMALE P.O. PATTERSON BEGAN STATING THAT THIS WAS NONSENSE AND THAT WE SHOULD BE MORE CONCERNED WITH BLACK YOUTHS KILLING ONE ANOTHER. I TOLD OFFICER PATTERSON THAT THAT WAS NOT THE SITUATION AT HAND, AND I DIDN'T

WANT TO HEAR THAT - AND MY WIFE TOLD ME THAT THE SITUATION WAS HERE, SO I WENT BACK INSIDE MY RESIDENCE. ONCE I WAS BACK INSIDE FOR A FEW MINUTES I BEGAN TO HEAR A LOT OF COMMOTION OUTSIDE SO I WENT TO SEE WHAT WAS HAPPENING. UPON LOOKING OUTSIDE I SAW SEVERAL POLICE VANS AND PATROL CARS UP THE BLOCK IN FRONT OF 576 GATES AVE. I LEFT MY RESIDENCE TO SEE WHAT WAS GOING ON, AND AS I APPROACHED, I NOTICED THAT MY WIFE SHARMAINE PETWAY WAS HANDCUFFED, AND UNDER ARREST, AND I ASKED WHO WAS THE ARRESTING OFFICER, AND A POLICE OFFICER THAT I FOUND OUT TO BE P.O. WESTBROOK ALMOST IMMEDIATELY BEGAN PUSHING AND SHOVING ME AND AS I WAS BACKING UP I TOLD HIM THAT THERE WAS NO REASON TO BE PUTTING HIS HANDS ON ME HE CONTINUED TO BE AGGRESSIVE, SO I ASKED FOR HIS NAME AND BADGE NUMBER, AND WHILE WRITING HIS NAME AND BADGE NUMBER POLICE OFFICER <sup>PATTERSON</sup> STARTING ASKING ME FOR SOME I.D. AND I TOLD HER ONCE I FINISH WRITING THE INFORMATION. ALMOST IMMEDIATELY UPON GIVING OFFICER PATTERSONS MY NY'S DRIVERS LICENSE, I WAS HIT FROM

BEHIND BY THIS MALE WHITE POLICE OFFICER, SLIGHTLY CAUSING ME TO BUMP INTO THE SURROUNDING GATE TO THE PREMISES OF 576 GATES AVE AND SIMULTANEOUSLY HANDCUFFED BY POLICE OFFICER WILLIAMS AND UPON BEING TURNED AROUND I WAS TOLD BY POLICE OFFICER WILLIAMS THAT, "WHAT I DON'T KNOW IS THAT JUST BECAUSE SOMEONE (REFERRING TO MY WIFE SHARMAINE PETWAY) IS HANDCUFFED DOES NOT MEAN THEY'RE UNDER ARREST. POLICE OFFICER WILLIAMS TOLD ME THAT I WAS UNDER ARREST. POLICE OFFICER WESTBROOK PRIOR TO PLACING ME INTO A TRANSPORT VAN BEGAN REACHING INTO MY POCKETS AND TASSING WHATEVER HE CONSIDERED GARBAGE ONTO THE GROUND AND PROCEEDED TO PUSH AND SHOVE ME INTO THE POLICE VAN, I ADVISED HIM TO BE CAREFUL AS I AM DISABLED, AND HE REPLIED TO GET MY FU--ING DISABLED ASS IN THE VAN.

UPON ARRIVAL<sup>20</sup> WHILE ENROUTE TO THE 79TH PT POLICE OFFICERS IN THE TRANSPORT VAN WAS TALKING AMONGST THEMSELVES AND OFFICER PATTERSON REFERRED TO MY WIFE AND MYSELF AS SQUATTERS, AND STATED THAT THEY MAY HAVE TO COME BACK AND GO INTO MY HOUSE/RESIDENCE.

UPON ARRIVAL AT THE 79TH PRECINCT ALL POLICE EXCEPT OFFICER WESTBROOK WENT INTO THE PRECINCT, AND OFFICER WESTBROOK BEGAN GETTING



PHYSICAL AGAIN, ATTEMPTING TO SNATCH ME OUT OF THE VAN, TELLING ME TO HURRY UP AND GET THE FU--K OUT OF THE VAN BECAUSE I AM ON HIS TIME NOW. AFTER I WAS TAKEN INSIDE THE PRECINCT MY POCKETS WERE EMPTIED AND P.O. WILLIAMS STATED TO ME THAT IF I DID NOT HAVE ANY WARRANTS AGAINST ME MY ATTITUDE WOULD DETERMINE WHETHER I SPEND THE NIGHT IN JAIL OR GO HOME WITHIN A HALF AN HOUR. HOUR LATER I WAS TOLD THAT THERE WAS AN OUTSTANDING WARRANT AGAINST ME, STEMMING FROM AN ARREST OF DECEMBER 02, 2008. THIS ALLEGED WARRANT STEMMED FROM A FALSE ARREST, WHICH HAD BEEN DISMISSED AND SEALED IN THE YEAR OF 2009. I WAS FINGERPRINTED AND A PHOTO WAS TAKEN. I WAS HELD IN JAIL AT THE 79TH PRECINCT WITH AT LEAST THREE OTHER INDIVIDUALS UNTIL LATE MORNING ON OCTOBER 18<sup>TH</sup> 2010. PRIOR TO BEING TRANSPORTED TO CENTRAL BOOKING LOCATED AT 120 SCHERMERHORN STREET BROOKLYN, MYSELF AND OTHERS WAS ADVISED THAT ARRESTEES WITH WARRANTS WOULD BE SEEN RIGHT AWAY. DURING TRANSPORT, UPON REQUEST SOME ARRESTEES WAS GIVEN CIGARETTES TO SMOKE IN THE TRANSPORT VAN AGAINST MY OBJECTIONS AND AT LEAST ONE OTHER OUT OF APPROXIMATELY EIGHT ARRESTEES

50F6

DURING ARRIVAL AT CENTRAL BOOKING ARRESTEES WITH WARRANTS WERE BEING SEPARATED FROM THOSE WITHOUT. I ADVISED TRANSPORTING POLICE THAT ARRESTING OFFICER WILLIAMS SAID THAT I HAD A WARRANT, AND WAS TOLD BY THIS OFFICER, THAT IT WAS A MISTAKE, THAT THERE WAS NO WARRANT ON ME. I HAD NOT BEEN GIVEN A SUMMONS FOR THIS OCTOBER 17, 2010 ARREST BY POLICE OFFICER WILLIAMS, NOR ADVISED WHAT I WAS BEING ARRESTED FOR. I WAS HELD WITHIN A CELL WITH APPROXIMATELY SIXTY TO SEVENTY-FIVE OTHER INDIVIDUALS. AT APPROXIMATELY 1815 HRS ON OCTOBER 18, 2010, I SPOKE WITH LEGAL AND ATTORNEY MR. BRENDAN RELYEA, AND HE HAD A FOLDER ONLY CONTAINING A RAP SHEET FROM A FALSE ARREST WHICH TOOK PLACE IN 1975, WHICH WAS SUPPOSED TO HAVE BEEN DISMISSED AND SEALED. I ASKED MR. RELYEA SEVERAL TIMES IF THAT WAS THE ONLY THING PRESENTED TO HIM IN MY FILE AND HE SAID IT WAS, AND THAT THERE WAS NOTHING ABOUT A WARRANT ON ME, AND BEGAN ASKING ME ABOUT THE FALSE ARREST ON OCTOBER 17-2010.

- ① I WAS ASSAULTED FOR ASKING WHO WAS THE ARRESTING OFFICER OF MY WIFE, SHORMANE PETWAY.
- ② I WAS ARRESTED IN BAD FAITH, AND WAS NEVER ADVISED AS TO WHAT I WAS BEING ARRESTED FOR.
- ③ I WAS NEVER GIVEN A <sup>289</sup> SUMMONS DETAILING WHAT I WAS ARRESTED FOR.
- ④ I WAS HELD UNDER FALSE PRETEXTS ALLEGING THERE WAS A WARRANT OUTSTANDING ON ME. BUT ARRESTING OFFICER WILLIAMS NEVER PRESENTED ME WITH A PRINT OUT OF THIS ALLEGED WARRANT.
- ⑤ I WAS UNNECESSARILY EXPOSED TO DANGER BY INCARCERATING ME WITH A LARGE NUMBER OF POTENTIALLY DANGEROUS INDIVIDUALS.

FINALLY I AM REQUESTING A TRIAL BY JURY,  
AND RELIEF SOUGHT IS \$500.00 "DOLLARS IN  
DAMAGES AGAINST

① THE CITY OF NEW YORK

② POLICE OFFICER "JOHN" WILLIAMS, FIRST NAME UNKNOWN

③ POLICE OFFICER "JANE" PATTERSON, FIRST NAME UNKNOWN

④ POLICE OFFICER "JOHN" WESTBROOK, FIRST NAME UNKNOWN

⑤ POLICE OFFICER "JOHN DOE" FIRST & LAST UNKNOWN

I PRAY FOR A FAIR AND JUST DECISION

John L. Petway  
01-14-2012